

**WEDNESDAY, MARCH 24, 2010**

**SEVENTY-SECOND LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Reverend Bobby McCord of First Baptist Church in Decaturville, Tennessee, a guest of Senator Herron.

**PLEDGE OF ALLEGIANCE**

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

**COMMUNICATION**

March 22, 2010

Lt. Governor Ron Ramsey  
1 Legislative Plaza  
Nashville, TN 37243

Dear Lt. Governor Ramsey,

This letter is to advise you that I will be unable to attend the Senate Floor Session at 8:30 on Wednesday, March 24th due to an earlier legal commitment. I apologize for my absence and I appreciate your understanding.

Sincerely,

/s/ Joe M. Haynes

APPROVED: Lieutenant Governor  
Ron Ramsey

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2497 with amendment, 2780, 2782, 2847, 3138, 3140, 3399 with amendment, 3824 and 3859.

MCNALLY, Chairperson  
March 23, 2010

The Speaker announced that he had referred Senate Bills Nos. 2497 with amendment, 2780, 2782, 2847, 3138, 3140, 3399 with amendment, 3824 and 3859 to the Committee on Calendar.

**ENVIRONMENT, CONSERVATION AND TOURISM**

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2735 with amendment.

SOUTHERLAND, Chairperson  
March 23, 2010

The Speaker announced that he had referred Senate Bill No. 2735 with amendment to the Committee on Calendar.

**TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1678; also, recommend that Senate Bills Nos. 63 with amendment and 1686 with amendment; and Senate Joint Resolution No. 764 with amendment be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson  
March 23, 2010

The Speaker announced that he had referred Senate Bill No. 1678 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 63 with amendment and 1686 with amendment; and Senate Joint Resolution No. 764 with amendment to the Committee on Finance, Ways and Means.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 3064, 3070, 3215 with amendment, 3410 with amendment and 3625 with amendment; also, recommend that Senate Bills Nos. 1560 with amendment and 2398 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson  
March 23, 2010

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The Speaker announced that he had referred Senate Bills Nos. 3064, 3070, 3215 with amendment, 3410 with amendment and 3625 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1560 with amendment and 2398 with amendment to the Committee on Finance, Ways and Means.

### JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1299 with amendment, 2341 with amendment, 2654 with amendment, 2726 with amendment, 2966 with amendment, 2988 with amendment, 3001, 3004, 3527 with amendment and 3812 with amendment; also, recommend that Senate Bills Nos. 2900 with amendment, 2901 with amendment, 3003 with amendment, 3011 with amendment and 3909 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson  
March 23, 2010

The Speaker announced that he had referred Senate Bills Nos. 1299 with amendment, 2341 with amendment, 2654 with amendment, 2726 with amendment, 2966 with amendment, 2988 with amendment, 3001, 3004, 3527 with amendment and 3812 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2900 with amendment, 2901 with amendment, 3003 with amendment, 3011 with amendment and 3909 to the Committee on Finance, Ways and Means.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2118, 2395, 2435, 2438, 2480, 2755, 2756, 2757, 2762, 2772, 2810, 2866, 2868, 2941, 2990, 3049, 3138, 3148, 3168, 3190, 3195, 3253, 3267, 3415, 3420, 3439, 3611, 3643, 3644, 3645, 3737, 3819, 3941, 3953, 3965, 3966, 3967 and 3970** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2118** -- Consumer Protection -- As introduced, authorizes the division of consumer protection to consult with the office of open records counsel concerning policies on access to records and disclosure of information. Amends TCA Title 47, Chapter 18.

**House Bill No. 2395** -- Savannah -- As introduced, subject to local approval, sets the city election to coincide with the general state election beginning in November 2012; extends time by which the city may contract with the city manager, from one to three years. Amends Chapter 683 of the Private Acts of 1951; as amended.

**House Bill No. 2435** -- Highways, Roads and Bridges -- As introduced, designates bridge on State Route 6 in Williamson County as the "Judson E. Mount Memorial Bridge".

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**House Bill No. 2438** -- Juvenile Offenders -- As introduced, adds aggravated rape of a child to the list of offenses for which a juvenile may be transferred from juvenile court to adult court. Amends TCA Title 37; Title 39 and Title 40.

**House Bill No. 2480** -- Highway Signs -- As introduced, "SSG Carey Thomas Moore Memorial Bridge", State Route 397 (Mack Hatcher Bypass) in Williamson County.

**House Bill No. 2755** -- Highway Signs -- As introduced, "Brenard Richardson Memorial Bridge", State Route 373 in Marshall County.

**House Bill No. 2756** -- Highway Signs -- As introduced, "Alex Allen Memorial Bridge", State Route 272 in Marshall County.

**House Bill No. 2757** -- Cornersville -- As introduced, subject to local approval, amends the charter to specify the timetable and manner of elections of the mayor and five aldermen, to alter the requirement of qualified voters having to live in the town for 30 days preceding an election, to change the required reading of a bill or ordinance from three readings to two, and to delete language that allows the fire chief to be the chief of police and vice versa. Amends Chapter 150 of the Private Acts of 1994; and any other acts amendatory thereto.

**House Bill No. 2762** -- Drugs -- As introduced, creates offense of selling synthetic urine; exempts sales for bona fide educational, medical, and scientific purposes; violation punishable as Class C misdemeanor. Amends TCA Title 39, Chapter 17, Part 4.

**House Bill No. 2772** -- Teachers, Principals and School Personnel -- As introduced, changes the date by which teachers must be notified in writing of their dismissal or failure of reelection for the next school year from April 15 to May 15. Amends TCA Title 49, Chapter 5, Part 4.

**House Bill No. 2810** -- Teachers, Principals and School Personnel -- As introduced, requires a teacher evaluation to be available upon request to the teacher. Amends TCA Title 49.

**House Bill No. 2866** -- Municipal Government -- As introduced, authorizes the board of mayor and alderman of the City of Farragut to adopt an ordinance to establish term limits, to become operative only if approved in a referendum. Amends TCA Title 6, Chapter 3.

**House Bill No. 2868** -- Naming and Designating -- As introduced, names campus at Senator Ben Atchley State Veterans Home in Knox County in honor of Gerald D. Clark.

**House Bill No. 2941** -- Elderly Persons -- As introduced, revises missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. Amends TCA Section 38-6-121.

**House Bill No. 2990** -- Highway Signs -- As introduced, "PFC John H. McCree Memorial Bridge", State Route 11 in Giles County.

**House Bill No. 3049** -- Medical Occupations -- As introduced, revises fees for medical records provided by certain healthcare providers and establishes fees for digital copies of such records. Amends TCA Title 63, Chapter 2, Part 1.

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**House Bill No. 3138** -- Bail, Bail Bonds -- As introduced, mandates, rather than allows, release of surety's liability if detainer request is refused or if detaining authority releases principal upon the detainer's filing. Amends TCA Section 40-11-201.

**House Bill No. 3148** -- Education -- As introduced, allows LEAs to use reasonably obtainable information in determining whether a student who dropped out of school enrolled elsewhere; allows LEAs to include GEDs in calculating graduation rates for all purposes other than those in which such inclusion is prohibited by federal law. Amends TCA Section 1-3-118 and Title 49.

**House Bill No. 3168** -- Veterans -- As introduced, allows a local education agency to issue a diploma to a student who failed to receive a diploma due to service in the Vietnam War. Amends TCA Section 49-2-119.

**House Bill No. 3190** -- Taxes, Real Property -- As introduced, designates procedures for delinquent tax sales when delinquent taxes are owed to both municipality and county. Amends TCA Title 67, Chapter 5, Part 25.

**House Bill No. 3195** -- Boats, Boating -- As introduced, requires persons operating vessels on waters of the state to stop such vessels, if safe, upon a signal of an emergency vessel, and to obey any other reasonable signal given in directing the movement of traffic on such waters. Amends TCA Title 69, Chapter 9.

**House Bill No. 3253** -- County Government -- As introduced, changes certain procedural requirements for counties making appropriations to nonprofit charitable organizations. Amends TCA Section 5-9-109.

**House Bill No. 3267** -- Traffic Safety -- As introduced, clarifies that municipalities may by ordinance adopt all provisions of law included in the rules of the road for local enforcement. Amends TCA Title 55, Chapter 10, Part 3.

**House Bill No. 3415** -- Education -- As introduced, requires survey of extended learning programs to be disseminated by the Department of Education to all LEAs so that successful programs may be replicated. Amends TCA Title 49, Chapter 2; Title 49, Chapter 3; Title 49, Chapter 6 and Title 49, Chapter 1.

**House Bill No. 3420** -- Juvenile Offenders -- As introduced, requires an official from the facility or the Department of Children's Services to notify local news media of an escape from a secure detention or correctional facility by a juvenile who is alleged or adjudicated delinquent for an offense that would be a felony if committed by an adult. Amends TCA Title 37, Chapter 1.

**House Bill No. 3439** -- Health, Dept. of -- As introduced, requires the board to adopt rules requiring out-of-state home medical equipment service providers to maintain an office within the state. Amends TCA Title 68, Chapter 11, Part 2.

**House Bill No. 3611** -- Public Officials -- As introduced, requires a local agency that receives information from the toll-free hotline that receives allegations of fraud, waste, or abuse of public funds to investigate and remedy any illegal, improper, or wasteful activity noted in the information to the same extent that a state agency or community grant agency is required to do so under present law. Amends TCA Title 8, Chapter 4 and Title 8, Chapter 19.

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**House Bill No. 3643** -- Business Organizations -- As introduced, specifies when the secretary of state must file articles of dissolution or revocation of dissolution of a corporation, articles of termination or articles of termination of existence of an LLC, certificate of cancellation of an LP, certificate of cancellation of registration of a foreign LP, or certificate of authority of a foreign corporation or LLC; and revises the way a foreign corporation or LLC may reinstate a certificate of authority that has been administratively revoked. Amends TCA Title 48 and Title 61.

**House Bill No. 3644** -- Business Organizations -- As introduced, authorizes anyone to apply to the secretary of state to furnish a certificate of existence for a domestic LLC, LLP, or LP or a certificate of authorization for a foreign LLC, LLP, or LP. Amends TCA Title 48 and Title 61.

**House Bill No. 3645** -- Business Organizations -- As introduced, creates an additional exception to the general rule that the name of a corporation or limited partnership (LP) must be distinguishable upon the records of the secretary of state from the name of another business organization authorized to do business in this state. Amends TCA Title 48 and Title 61.

**House Bill No. 3737** -- Education -- As introduced, requires Department of Education, office of early learning to disseminate its annual report on the voluntary pre-K program to the public via its Web site. Amends TCA Title 49, Chapter 3 and Title 49, Chapter 6, Part 1.

**House Bill No. 3819** -- Veterans -- As introduced, revises certain factors for determining veterans' preference points in civil service system. Amends TCA Section 8-30-306.

**House Bill No. 3941** -- Gibson County -- As introduced, subject to local approval, establishes that the county clerk serves as clerk of juvenile court effective 12:01 a.m. September 1, 2010; abolishes office of clerk of juvenile court and provides if a vacancy in such office occurs prior to August 31, 2010, the county clerk is appointed to serve until term expires. Amends Chapter 307 of the Private Acts of 1982.

**House Bill No. 3953** -- Altamont -- As introduced, subject to local approval, amends the charter to reset the month of the election of the mayor and aldermen from May to November; extends the term of the mayor and aldermen in the next election to meet the November 2012 election date. Amends Chapter 664 of the Private Acts of 1917; as amended.

**House Bill No. 3965** -- Morristown -- As introduced, subject to local approval, increases the hotel/motel tax from 5 percent to 7 percent. Amends Chapter 354 of the Private Acts of 1982.

**House Bill No. 3966** -- School Districts, Special -- As introduced, restores optimal staggering of the terms of the board of education of the Milan Special School District so that four members are elected in one year and three members are elected in another. Amends Chapter 504 of the Private Acts of 1945; as amended.

**House Bill No. 3967** -- School Districts, Special -- As introduced, increases the tax rate for the Trenton Special School District from \$2.16 to \$2.30. Amends Chapter 144 of the Private Acts of 1975; as amended.

**House Bill No. 3970** -- Norris -- As introduced, subject to local approval, establishes a new charter for the City of Norris. Amends Chapter 566 of the Private Acts of 1949; as amended.

**MOTION**

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3936** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

**SENATE BILL ON SECOND CONSIDERATION**

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

**Senate Bill No. 3936** Local bill -- held on desk.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 889 through 894** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 889** by Senator Johnson.  
Memorials, Recognition -- A Vintage Affair, 10th anniversary.

**Senate Joint Resolution No. 890** by Senator Beavers.  
General Assembly, Statement of Intent or Position -- Need for mammograms for women age 40 and older.

**Senate Joint Resolution No. 891** by Senator Yager.  
Memorials, Academic Achievement -- Chelsey Crowley, Valedictorian, Oneida High School.

**Senate Joint Resolution No. 892** by Senator Yager.  
Memorials, Academic Achievement -- Shelby Burchfield, Valedictorian, Oneida High School.

**Senate Joint Resolution No. 893** by Senator Yager.  
Memorials, Academic Achievement -- Cody Carson, Salutatorian, Oneida High School

**Senate Joint Resolution No. 894** by Senator Finney.  
Memorials, Recognition -- Jackson Madison Chapter National Society Daughters of the American Revolution.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 813, 911 through 916, 918 through 926, 930 and 932; Senate Joint Resolutions Nos. 880 through 888; and Senate Resolution No. 206** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

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**House Joint Resolution No. 813** -- General Assembly, Directed Studies -- Directs the Department of Safety to study the use of certified mail notification relative to the suspension and revocation of driver licenses.

The Speaker announced that he had referred House Joint Resolution No. 813 to the Committee on Transportation.

**House Joint Resolution No. 911** -- Memorials, Sports -- Barry Beau Brunetti.

The Speaker announced that he had referred House Joint Resolution No. 911 to the Committee on Calendar.

**House Joint Resolution No. 912** -- Memorials, Sports -- Giles County High School boys football team, Class 4A State Champions.

The Speaker announced that he had referred House Joint Resolution No. 912 to the Committee on Calendar.

**House Joint Resolution No. 913** -- Memorials, Public Service -- Deputy Commissioner of Agriculture Terry J. Oliver.

The Speaker announced that he had referred House Joint Resolution No. 913 to the Committee on Calendar.

**House Joint Resolution No. 914** -- Memorials, Public Service -- Ken Givens, Commissioner of Agriculture.

The Speaker announced that he had referred House Joint Resolution No. 914 to the Committee on Calendar.

**House Joint Resolution No. 915** -- Memorials, Personal Occasion -- Tom and Judy Spence, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 915 to the Committee on Calendar.

**House Joint Resolution No. 916** -- Memorials, Death -- John Stanley Wassom.

The Speaker announced that he had referred House Joint Resolution No. 916 to the Committee on Calendar.

**House Joint Resolution No. 918** -- Memorials, Recognition -- Tyler Boyd, National Jersey Youth Achievement Award.

The Speaker announced that he had referred House Joint Resolution No. 918 to the Committee on Calendar.

**House Joint Resolution No. 919** -- Memorials, Personal Occasion -- Nannie Gang, 90th birthday.



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The Speaker announced that he had referred House Joint Resolution No. 919 to the Committee on Calendar.

**House Joint Resolution No. 920** -- Memorials, Personal Occasion -- Mae Poland Farmer Hicks, 90th birthday.

The Speaker announced that he had referred House Joint Resolution No. 920 to the Committee on Calendar.

**House Joint Resolution No. 921** -- Memorials, Sports -- Coach Marynell Meadors, WNBA Coach of the Year.

The Speaker announced that he had referred House Joint Resolution No. 921 to the Committee on Calendar.

**House Joint Resolution No. 922** -- Memorials, Recognition -- Stars and Stripes Forever Military Day.

The Speaker announced that he had referred House Joint Resolution No. 922 to the Committee on Calendar.

**House Joint Resolution No. 923** -- Memorials, Recognition -- Chaz Story, Greeneville/Greene County Boys and Girls Club 2010 Youth of the Year.

The Speaker announced that he had referred House Joint Resolution No. 923 to the Committee on Calendar.

**House Joint Resolution No. 924** -- Memorials, Personal Achievement -- Kyle Alexander Comley, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 924 to the Committee on Calendar.

**House Joint Resolution No. 925** -- Memorials, Sports -- Riverdale High School Lady Warriors basketball team, 2010 Class AAA State Champions.

The Speaker announced that he had referred House Joint Resolution No. 925 to the Committee on Calendar.

**House Joint Resolution No. 926** -- Memorials, Professional Achievement -- Juliana Bastin, Nolensville Fire Department Firefighter of the Year.

The Speaker announced that he had referred House Joint Resolution No. 926 to the Committee on Calendar.

**House Joint Resolution No. 930** -- Memorials, Recognition -- 2010 Mule Day Queen and Court.

The Speaker announced that he had referred House Joint Resolution No. 930 to the Committee on Calendar.

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**House Joint Resolution No. 932** -- Memorials, Recognition -- Sharron L. Eckert.

The Speaker announced that he had referred House Joint Resolution No. 932 to the Committee on Calendar.

**Senate Joint Resolution No. 880** -- Memorials, Recognition -- Boy Scouts of America, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 880 to the Committee on Calendar.

**Senate Joint Resolution No. 881** -- Memorials, Recognition -- Kenneth Mitchell.

The Speaker announced that he had referred Senate Joint Resolution No. 881 to the Committee on Calendar.

**Senate Joint Resolution No. 882** -- Memorials, Death -- Dustin Robert Cupp.

The Speaker announced that he had referred Senate Joint Resolution No. 882 to the Committee on Calendar.

**Senate Joint Resolution No. 883** -- Memorials, Death -- L.D. Agee.

The Speaker announced that he had referred Senate Joint Resolution No. 883 to the Committee on Calendar.

**Senate Joint Resolution No. 884** -- Memorials, Retirement -- Tanya Jan Gardner.

The Speaker announced that he had referred Senate Joint Resolution No. 884 to the Committee on Calendar.

**Senate Joint Resolution No. 885** -- Memorials, Recognition -- Flo Charles.

The Speaker announced that he had referred Senate Joint Resolution No. 885 to the Committee on Calendar.

**Senate Joint Resolution No. 886** -- Naming and Designating -- "Prader Willi Syndrome Awareness Month", May 2010.

The Speaker announced that he had referred Senate Joint Resolution No. 886 to the Committee on State and Local Government.

**Senate Joint Resolution No. 887** -- Memorials, Recognition -- Scott Gillenwaters, Anderson County Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 887 to the Committee on Calendar.

**Senate Joint Resolution No. 888** -- Memorials, Sports -- Gallatin High School Cheerleaders, Large Varsity Level 3 National Champions.

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The Speaker announced that he had referred Senate Joint Resolution No. 888 to the Committee on Calendar.

**Senate Resolution No. 206** -- Memorials, Interns -- Derek Kuhn.

The Speaker announced that he had referred Senate Resolution No. 206 to the Committee on Calendar.

**MOTION**

Senator Norris moved that **Senate Bills Nos. 75 through 77, 79, 81, 82, 84 through 86, 88, 89, 218 through 222, 225, 228 through 230, 654 through 659, 661, 662, 923, 924, 931, 932, 934 through 937, 1091, 1096, 1422, 1423, 1425 through 1437, 1595, 2104 and 2179** be recalled from the appropriate standing committees and be withdrawn from the Senate, which motion prevailed.

**MOTION**

Senator Ketron moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 930**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 930** -- Memorials, Recognition -- 2010 Mule Day Queen and Court.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 930** was concurred in.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 871** -- Memorials, Recognition -- Hendersonville VFW's Welcome Home Vietnam Veterans Day.

**Senate Joint Resolution No. 872** -- Memorials, Recognition -- Ossoli Circle, 125th anniversary.

**Senate Joint Resolution No. 873** -- Memorials, Sports -- St. George's Independent School, boys' basketball state championship.

**Senate Joint Resolution No. 874** -- Memorials, Recognition -- Dr. Joel Cunningham.

**Senate Joint Resolution No. 876** -- Memorials, Recognition -- Russell D. Jamerson.

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bills were placed at the heel of the calendar for Thursday, March 25, 2010, pursuant to Rule 38: **Senate Bills Nos. 3339 and 3684.**

**Senate Bill No. 3022** -- Veterans -- As introduced, allows a local education agency to issue a diploma to a student who failed to receive a diploma due to service in the Vietnam War. Amends TCA Section 49-2-119.

On motion, Senate Bill No. 3022 was made to conform with **House Bill No. 3168.**

On motion, House Bill No. 3168, on same subject, was substituted for Senate Bill No. 3022.

**Senate Bill No. 3124** -- Education -- As introduced, allows LEAs to use reasonably obtainable information in determining whether a student who dropped out of school enrolled elsewhere; allows LEAs to include GEDs in calculating graduation rates for all purposes other than those in which such inclusion is prohibited by federal law. Amends TCA Section 1-3-118 and Title 49.

On motion, Senate Bill No. 3124 was made to conform with **House Bill No. 3148.**

On motion, House Bill No. 3148, on same subject, was substituted for Senate Bill No. 3124.

**Senate Bill No. 3225** -- Children's Services, Dept. of -- As introduced, requires that permanent educational records for students who have been in state custody be forwarded to the department when a department provider agency school ceases operations or when the department no longer contracts with the provider agency. Amends TCA Title 37 and Title 49.

On motion, Senate Bill No. 3225 was made to conform with **House Bill No. 3454.**

On motion, House Bill No. 3454, on same subject, was substituted for Senate Bill No. 3225.

**Senate Bill No. 3338** -- Mental Retardation -- As introduced, changes references in several titles of Tennessee Code Annotated from "mental retardation" to "intellectual disability". Amends TCA Title 33; Title 39; Title 41 and Title 49.

On motion, Senate Bill No. 3338 was made to conform with **House Bill No. 3139.**

On motion, House Bill No. 3139, on same subject, was substituted for Senate Bill No. 3338.

**Senate Bill No. 3362** -- Sexual Offenders -- As introduced, requires the board of medical examiners to revoke the license of any person licensed to practice medicine who is a registered sexual offender and requires board to compare, by September 1, 2010, list of persons licensed to

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practice medicine with list of registered sexual offenders and violent sexual offenders. Amends TCA Title 40, Chapter 39, Part 2; Title 63, Chapter 6, Part 2 and Title 63, Chapter 9.

**Senate Bill No. 3397** -- Public Health -- As introduced, honors the memory of the late Connie Hall Givens by renaming, in her honor, the Coordinated School Health Improvement Act. Amends TCA Title 49, Chapter 1, Part 10.

**Senate Bill No. 3408** -- Human Rights -- As introduced, requires each state governmental entity subject to the requirements of Title VI of the federal Civil Rights Act to submit annual Title VI compliance reports and implementation plan updates to "the human rights commission" instead of "the department of audit". Amends TCA Section 4-21-901.

**Senate Bill No. 3683** -- Local Government, General -- As introduced, removes the requirement that the comptroller devise standard procedures to assist the county legislative body in the disposition of funds that are appropriated by the body for the financial aid of any nonprofit charitable organization, any chamber of commerce exempt from taxation, or any nonprofit civic organization, as authorized in present law. Amends TCA Section 5-9-109.

On motion, Senate Bill No. 3683 was made to conform with **House Bill No. 3610**.

On motion, House Bill No. 3610, on same subject, was substituted for Senate Bill No. 3683.

**Senate Bill No. 3848** -- Civil Service -- As introduced, removes the June 30, 2010, termination date for revisions to civil service provisions enacted by Chapter 1 of the Public Acts of 2009 to deal with a proposed reduction in workforce. Amends TCA Title 8, Chapter 30, Part 4.

On motion, Senate Bill No. 3848 was made to conform with **House Bill No. 3836**.

On motion, House Bill No. 3836, on same subject, was substituted for Senate Bill No. 3848.

**Senate Bill No. 3863** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, removes language requiring that the Interstate Insurance Product Regulation Commission must terminate on June 30, 2009. Amends TCA Title 56, Chapter 58, Part 1.

Senator Ford declared Rule 13 on **Senate Bill No. 3863**.

On motion, Senate Bill No. 3863 was made to conform with **House Bill No. 3830**.

On motion, House Bill No. 3830, on same subject, was substituted for Senate Bill No. 3863.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 1790** -- Pharmacy, Pharmacists -- As introduced, requires prescriptions for narcotic drugs to be written separately from other drugs. Amends TCA Title 63.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 3, Part 1, is amended by adding the following as a new section:

§ 63-3-128. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a podiatrist who is authorized by law to prescribe a drug must be written legibly, printed or computer-generated as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing podiatrist must sign the written, printed or computer-generated order on the day it is issued.

SECTION 2. Tennessee Code Annotated, Section 63-5-122, is amended by adding the following as a new, appropriately designated subsection:

( ) Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a dentist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing dentist must sign the written, printed or computer-generated order on the day it is issued.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

§ 63-6-239. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing physician or surgeon must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 8, Part 1, is amended by adding the following as a new section:

§ 63-8-134. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by an optometrist who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order.

The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing optometrist must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent an optometrist from issuing a verbal prescription order.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 9, Part 1, is amended by adding the following as a new section:

§ 63-9-118. Any written, printed or computer-generated order for a Schedule II controlled substance prepared by an osteopathic physician who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription order. The written, printed or computer-generated order must contain all information otherwise required by law. The prescribing osteopathic physician must sign the written, printed or computer-generated order on the day it is issued. Nothing in this section shall be construed to prevent an osteopathic physician from issuing a verbal prescription order.

SECTION 6. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

(F) Any written, printed or computer-generated prescription order for a Schedule II controlled substance prepared by an advanced practice nurse who is authorized by law to prescribe a drug must be printed or typed as a separate prescription order. The written, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing advanced practice nurse must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 7. Tennessee Code Annotated, Section 63-19-107(2)(G), is amended by adding the following language at the end of that subdivision:

(F) Any written, printed or computer-generated prescription order for a Schedule II controlled substance prepared by a physician assistant who is authorized by law to prescribe a drug must be legibly printed or typed as a separate prescription. The written, printed or computer-generated prescription order must contain all information otherwise required by law. The prescribing physician assistant must sign the written, printed or computer-generated prescription order on the day it is issued.

SECTION 8. Nothing in this act shall be construed as limiting any practitioner's or pharmacist's ability to order the use of or distribute non-prescription drugs or devices otherwise in accordance with applicable law.

SECTION 9. Sections 1 through 7 of this act shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the physician or other person authorized to write prescriptions writes the order into the hospital medical record and the patient or patient's agent or representative never has the opportunity to handle the written order, a nursing home, or an assisted care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under Title 33 or individuals incarcerated in a local, state or federal correctional facility.

SECTION 10. Nothing in this act shall be construed as limiting any professional nurse's ability to issue drugs in accordance with the provisions of Tennessee Code Annotated, Section 63-7-124.

SECTION 11. The Department of Health, division of health related boards and the board of pharmacy, are authorized to promulgate uniform rules to effect the purposes of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5. The power and duty to enforce those rules shall be vested in the various boards that regulate healthcare providers affected by this act, in accordance with Tennessee Code Annotated, Section 63-1-122.

SECTION 12. Tennessee Code Annotated, Section 63-6-236, is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 13. Tennessee Code Annotated, Section 63-3-127(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 14. Tennessee Code Annotated, Section 63-5-122(c), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 15. Tennessee Code Annotated, Section 63-8-126(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 16. Tennessee Code Annotated, Section 63-9-116(a), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 17. Tennessee Code Annotated, Section 63-7-123(b)(3)(B), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 18. Tennessee Code Annotated, Section 63-19-107(2)(E)(ii), is amended by deleting the language "both letters and" in the second sentence and by substituting instead the language "letters or in".

SECTION 19. This act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 21. For purposes of issuing rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2011, the public welfare requiring it.



**WEDNESDAY, MARCH 24, 2010 -- 72ND LEGISLATIVE DAY**

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1790**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Finney moved that **Senate Bill No. 2297** be placed on the Calendar for Wednesday, March 31, 2010, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2813** be placed on the Calendar for Thursday, March 25, 2010, which motion prevailed.

**Senate Bill No. 2903** -- Elderly Persons -- As introduced, revises missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. Amends TCA Section 38-6-121.

On motion, Senate Bill No. 2903 was made to conform with **House Bill No. 2941**.

On motion, House Bill No. 2941, on same subject, was substituted for Senate Bill No. 2903.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2941** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2977** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, permits association captive insurance companies to insure obligations under certain federal legislation that provides compensation and benefits to workers for job-related injuries, and further allows association captive insurance companies to hold any interest in qualified headquarters property. Amends TCA Title 50 and Title 56.

Senator Overbey declared Rule 13 on **Senate Bill No. 2977**.

Senator Ford declared Rule 13 on **Senate Bill No. 2977**.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-702, is amended by adding the following language at the end of subsection (a):

An interlocal arrangement that is administered by an association captive insurance company may also provide for the insuring or self-insuring of obligations and liabilities arising under the federal Longshoremen's and Harbor Workers' Compensation Act, as long as the company has obtained any necessary approvals by the appropriate federal agencies.

SECTION 2. Tennessee Code Annotated, Section 56-13-121, is amended by adding the following language as a new subsection (c):

(c)(1) Notwithstanding this section or Chapter 3, Part 4 of this title, an association captive insurance company described in § 56-13-102(4) may hold any interest in qualified headquarters property as defined in subdivision (c)(2) below, and the qualified headquarters property shall be admitted assets and authorized investments of the association captive insurance company. The net book value of the qualified headquarters property deemed admitted and authorized under this subsection may not exceed two million five hundred thousand dollars (\$2,500,000), and an association captive insurance company holding qualified headquarters property pursuant to this subsection shall at all times maintain total surplus, without regard to the qualified headquarters property, of at least the sum of:

(A) Fifty percent (50%) of the net book value of the qualified headquarters property; and

(B) The minimum capital and surplus requirements.

(2) For purposes of this subsection, "qualified headquarters property" includes the real property and the building in which the principal office of the association captive insurance company is located and also includes any improved and unimproved real property of the association captive insurance company that is located within one thousand five hundred feet (1,500') of the company's principal office.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2977**, as amended, passed its third and final consideration by the following vote:

**WEDNESDAY, MARCH 24, 2010 -- 72ND LEGISLATIVE DAY**

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 3866** -- Medical Occupations -- As introduced, clarifies that a person who is subject to regulation under the Emergency Medical Services Act may be subject to discipline for violating, or attempting to violate, a criminal statute in "any" state, not just this state, if the statute involves moral turpitude or reflects upon the person's ability to fulfill such person's responsibilities. Amends TCA Title 68, Chapter 140, Part 5.

Senator Faulk declared Rule 13 on **Senate Bill No. 3866**.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting in its entirety Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-511, is amended by deleting the existing language in subdivision (a)(1)(E) in its entirety and substituting instead the following:

(a)(1)(E) Any criminal statute of any state or Canadian province, or of the United States or Canada which involves moral turpitude or reflects upon the person's ability to fulfill such person's responsibilities under this part.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3866**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Overbey moved that **Senate Bill No. 3154** be placed on the Calendar for Wednesday, April 7, 2010, which motion prevailed.

**Senate Bill No. 3191** -- Taxes, Agricultural and Open Spaces -- As introduced, permits owners of agricultural and forest land to preserve the existing condition of such land; revises method of appraisal and assessment for such land. Amends TCA Title 67, Chapter 5, Part 10.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Sections 1, 2 and 3 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1008, is amended by adding the following as a new, appropriately designated subdivision in subsection (b):

( ) The general assembly finds that value as determined under subdivision (b)(2)(B) should not be deemed the value of property for any purpose other than a future assessment of rollback taxes, because it does not determine the actual tax liability of a qualifying owner at the time of valuation. Accordingly, value as determined under subdivision (b)(2)(B) shall not be admissible to establish the value of property for purposes of a transfer tax under Title 67, Chapter 8, nor shall it be deemed determinative of fair market value for any purpose other than the administration of property taxes under this title.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of the act which can be upheld without the invalid provision, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND by renumbering remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3191**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 3586** -- Motor Vehicles -- As introduced, authorizes use of red flags made from plastic materials instead of cloth to mark a projecting load on a motor vehicle, subject to commissioner's approval. Amends TCA Title 55.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-18-101, is amended by deleting the present language in its entirety and by substituting instead the following:

"Automobile club or association", as used in this chapter, means any individual or entity, who in consideration of fees, dues, periodic payments, or other specifically stated charges, promises its members to provide automobile club services.

SECTION 2. Tennessee Code Annotated, Section 55-18-102, is amended by deleting the present language in its entirety and by substituting instead the following language:

As used in this chapter, unless the context otherwise requires:

(1) "Automobile club service" is the rendering or procuring of, or reimbursement for, service that may be provided to a member related to travel and the operation, use and maintenance of a motor vehicle, including, but not limited to:

- (A) Bail bond service;
- (B) Buying and selling service;
- (C) Discount service;
- (D) Emergency road service;
- (E) Financial service;
- (F) Insurance service;
- (G) Legal service;
- (H) Map service;
- (I) Theft service;
- (J) Touring service;
- (K) Towing service;
- (L) Trip interruption service; and
- (M) Other services as may be determined by the commissioner;

(2) "Bail bond service" means any act by an automobile club or association the purpose of which is to furnish to, or procure for, any person accused of violation of any law of this state, a cash deposit, bond or other undertaking required by law in order that the accused might enjoy personal freedom pending trial;

(3) "Buying and selling service" means any act by an automobile club or association whereby the member of any automobile club or association is aided in any way in the purchase or sale of an automobile or the purchase or sale of any accessories or equipment related to automobiles or travel, or any purchase of travel services;

(4) "Commissioner" means the Commissioner of Commerce and Insurance;

(5) "Discount service" means any act by an automobile club or association resulting in the giving of special discounts, rebates or reductions of price on gasoline, oil, repairs, parts, accessories or service for motor vehicles or other goods and services, to members of any automobile club or association;

(6) "Emergency road service" means any act by an automobile club or association consisting of the adjustment, repair or replacement of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power;

(7) "Financial service" means any act by an automobile club or association whereby loans or other advances of money, with or without security, are made to or arranged for members of any automobile club or association;

(8) "Insurance service" means the selling or giving by an automobile club or association to a member, of a policy of accident insurance covering liability or loss by a member as the result of death or personal injury or loss of or damage to the personal property of the member, or the selling of a hospital indemnity policy. The commissioner shall have the discretion to approve other services under this part if the feature, benefit or service is obtained by the automobile club or association from an insurance company in this state;

(9) "Legal service" means any act by an automobile club or association consisting of the hiring, retaining, engaging or appointing of an attorney or other person to give professional advice to, or represent, a member of any automobile club or association, in any court, as the result of liability incurred by the right of action accruing to the member as a result of the ownership, operation, use or maintenance of a motor vehicle;

(10) "Map service" means any act by an automobile club or association by which road maps are furnished without cost to members of any automobile club or association;

(11) "Other services" means additional services furnished by an automobile club or association which augment or are incidental to any service performed by the automobile club or association as authorized under the provisions of this chapter or any other service which is of assistance and is beneficial to its members and is feasible for the automobile club to render; provided, that such service is authorized by the commissioner;

(12) "Theft service" means any act by an automobile club or association the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by a member of any automobile club or association, which has been, or may be, stolen or to detect or apprehend the person guilty of the theft;

(13) "Trip interruption service" means the provision of or reimbursement for travel expenses, including food, lodging, and transportation to the member's intended destination if the member's motor vehicle is stolen or is rendered inoperable due to an accident, theft, or mechanical breakdown;

(14) "Touring service" shall include any act by an automobile club or association by which touring information is furnished without cost to members of any automobile club or association or the making of arrangements or reservations for lodging or the travel space, discounts for accommodations or vehicle rental, procurement of tickets or permits for travel to any place in the world for a member of any automobile club or association; and

(15) "Towing service" means any act by an automobile club or association consisting of the drafting or moving of a motor vehicle from one (1) place to another under other than its own power.

SECTION 3. Tennessee Code Annotated, Section 55-18-103, is amended by deleting the present language in its entirety and by substituting instead the following:

(a) The commissioner has full and complete authority to grant certificates of authorization to automobile clubs and associations, to revoke or suspend the certificates in accordance with the Uniform Administrative Procedures Act, to promulgate rules and regulations, and to determine other services an automobile club or association may provide to its members.

(b) In determining if a certificate of authorization shall be issued, the commissioner shall take into consideration, together with all other factors, the name of the automobile club or association and, if the name will interfere with the transactions of an automobile club or association already doing business in this state or is so similar to one already appropriated as to confuse or is likely to mislead the public in any respect, the commissioner shall refuse to issue a certificate of authorization.

(c) The commissioner also has the authority to conduct hearings and to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, §§ 4-5-101, et seq., for the administration of this chapter.

SECTION 4. Tennessee Code Annotated, Section 55-18-105(a), is amended by deleting "Within thirty (30) days after July 15, 2001" and by substituting instead "Annually".

SECTION 5. Tennessee Code Annotated, Section 55-18-106, is amended by deleting the present language in its entirety and by substituting instead the following language:

Before any agent or representative shall or may represent any automobile club or association in this state, the agent or representative shall first apply to the commissioner for a license, and the commissioner shall have full power and authority to issue the license upon proof satisfactory to the commissioner that the person is capable of soliciting automobile club or association memberships, and is of good moral character and recommended by the club or association in behalf of which the membership solicitations are to be made. No license shall be issued by the commissioner until the applicant has paid to the commissioner an annual license fee of twenty dollars (\$20.00).

SECTION 6. Tennessee Code Annotated, 55-18-107, is amended by substituting "or entity" for ", firm, association, copartnership, corporation, company or other organization" wherever such language appears.

**WEDNESDAY, MARCH 24, 2010 -- 72ND LEGISLATIVE DAY**

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3586**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 3726** be placed on the Calendar for Thursday, March 25, 2010, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 3731** be placed on the Calendar for Thursday, March 25, 2010, which motion prevailed.

**Senate Bill No. 3857** -- Veterans -- As introduced, revises certain factors for determining veterans' preference points in civil service system. Amends TCA Section 8-30-306.

On motion, Senate Bill No. 3857 was made to conform with **House Bill No. 3819**.

On motion, House Bill No. 3819, on same subject, was substituted for Senate Bill No. 3857.

Senator Finney moved that **House Bill No. 3819** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 135** -- Workers' Compensation -- As introduced, increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit. Amends TCA Title 13.

On motion, Senate Bill No. 135 was made to conform with **House Bill No. 187**.

On motion, House Bill No. 187, on same subject, was substituted for Senate Bill No. 135.

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 187** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0



Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Woodson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3189** -- Vital Records -- As introduced, establishes a certificate of birth resulting in stillbirth.

Senator Ford declared Rule 13 on **Senate Bill No. 3189**.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the following language from the amendatory language of Section 1:

( ) "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks.

and by substituting instead the language:

( ) "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks or with a weight of three hundred fifty (350) grams or more.

AND FURTHER AMEND in subsection (b) of the amendatory language of Section 3 by inserting the word "applicable" between the word "inform" and the word "persons".

On motion, Amendment No. 1 was adopted.

Senator Crowe moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the language "of the requirements of this section" immediately following the word "licensure" in subsection (b) of the amendatory language of Section 3.

AND FURTHER AMEND by deleting the language "subdivision (1)" in Section 4 and by substituting instead the language "the subsection".

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3189**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 3602** be referred to the Committee on Government Operations, which motion prevailed.

**Senate Bill No. 3817** -- Business Organizations -- As introduced, specifies when the secretary of state must file articles of dissolution or revocation of dissolution of a corporation, articles of termination or articles of termination of existence of an LLC, certificate of cancellation of an LP, certificate of cancellation of registration of a foreign LP, or certificate of authority of a foreign corporation or LLC; and revises the way a foreign corporation or LLC may reinstate a certificate of authority that has been administratively revoked. Amends TCA Title 48 and Title 61.

On motion, Senate Bill No. 3817 was made to conform with **House Bill No. 3643**.

On motion, House Bill No. 3643, on same subject, was substituted for Senate Bill No. 3817.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3643** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 3819**

On motion of Senator Ketron, Amendment No. 1 was withdrawn.

On motion of Senator Ketron, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3819** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle,

Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2863** -- Insurance, Health, Accident -- As introduced, implements and describes certain coverage limitations and benefits provided by the Life and Health Insurance Guaranty Association. Amends TCA Title 56, Chapter 12.

Senator Ford declared Rule 13 on **Senate Bill No. 2863**.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting the word "or" at the end of subsection (a)(2)(B)(ii) of Section 2 and by substituting instead the word "and".

AND FURTHER AMEND by deleting subsection (c) of the amendatory language of Section 2 of the bill and by substituting instead the following:

(c) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2)(A) With respect to one (1) life, regardless of the number of policies or contracts:

(i) Three hundred thousand dollars (\$300,000) in life insurance death benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values for life insurance;

(ii) One hundred thousand dollars (\$100,000) in health insurance benefits; provided, for policies or contracts issued by a member insurer that becomes insolvent after January 1, 2010, the limits for health insurance benefits shall be as follows:

(a) One hundred thousand dollars (\$100,000) for coverages not defined as disability insurance or basic hospital, medical and surgical insurance or major medical insurance or long term care insurance including any net cash surrender and net cash withdrawal values;

(b) Three hundred thousand dollars (\$300,000) for disability insurance and three hundred thousand for long term care insurance;

(c) Five hundred thousand dollars (\$500,000) for basic hospital, medical and surgical insurance or major medical insurance;

(iii) Two hundred fifty thousand dollars (\$250,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; or

(B) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, two hundred fifty thousand dollars (\$250,000) in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(C) However, in no event shall the association be obligated to cover more than:

(i) An aggregate of three hundred thousand dollars (\$300,000) in benefits with respect to any one (1) life under paragraphs (c)(2)(A) and (B) except with respect to benefits for basic hospital, medical and surgical insurance and major medical insurance under subdivision (c)(2)(A)(ii)(c), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars (\$500,000) with respect to any one (1) individual; or

(ii) With respect to one (1) owner of multiple non-group policies of life insurance, whether the policy owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, more than five million dollars (\$5,000,000) in benefits, regardless of the number of policies and contracts held by the owner;

(D) The limitations set forth in this subsection (c) are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this part may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights.

(3) As used in this subsection (c):

(A) "Disability insurance" means insurance that provides stated benefits upon the disability of the insured as defined in the policy;

(B) "Long term care insurance" has the same meaning as set forth in § 56-42-103(5);

(C) "Basic hospital, medical and surgical insurance or major medical insurance" means insurance that provides coverage for medical expenses incurred because of injury or illness, but does not include disability insurance, long term care insurance, Medicare supplement insurance, hospital

confinement indemnity insurance, accident only insurance, specified disease insurance, loss of limb or body function insurance, or other limited benefit or supplemental health insurance excluded from the definition of health insurance in § 56-1-105.

Senator Stewart moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2863**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

#### RECALL OF BILL

On motion of Senator Watson, **Senate Bills Nos. 2428, 2431, 2433, 2434 and 2436** were recalled from the Committee on Calendar.

#### REFERRAL OF BILL

Senator Watson moved that Senate Bills Nos. 2428, 2431, 2433, 2434 and 2436 be rereferred to the Committee on Government Operations, which motion prevailed.

#### MOTION

On motion of Senators Tracy and Beavers, their names were added as sponsors of **Senate Joint Resolution No. 871**.

On motion of Senator Burchett, his name was added as sponsor of **Senate Joint Resolution No. 872**.

On motion of Senators Crowe, Barnes, Beavers, Berke, Black, Bunch, Burchett, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3022**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bills Nos. 3124, 3154 and 3866; and Senate Joint Resolution No. 873**.

On motion of Senators Marrero and Ford, their names were added as sponsors of **Senate Bills Nos. 3225 and 3408**.

On motion of Senators Marrero, Overbey and Yager, their names were added as sponsors of **Senate Bill No. 3338**.

**WEDNESDAY, MARCH 24, 2010 -- 72ND LEGISLATIVE DAY**

On motion of Senators Marrero and Tracy, their names were added as sponsors of **Senate Bill No. 3362**.

On motion of Senators Herron, Barnes, Beavers, Berke, Black, Bunch, Burchett, Crowe, Finney, Ford, Gresham, Harper, Henry, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3397**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 1790 and 3602**.

On motion of Senators Marrero, Burks and Yager, their names were added as sponsors of **Senate Bill No. 2297**.

On motion of Senators Black, Barnes, Beavers, Berke, Bunch, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Kelsey, Ketron, Kyle, Marrero, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2903**.

On motion of Senators Overbey, Burks, Tracy, Yager and Faulk, their names were added as sponsors of **Senate Bill No. 3191**.

On motion of Senators Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Ford, Gresham, Harper, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3857**.

On motion of Senators Gresham, Johnson, Tracy and Yager, their names were added as sponsors of **Senate Bill No. 3189**.

On motion of Senator Marrero, her name was added as first co-prime sponsor of **Senate Bill No. 2735**.

On motion of Senators Stewart and Jackson, their names were added as sponsors of **Senate Bill No. 2735**.

On motion of Senators Woodson and McNally, their names were added as sponsors of **Senate Bill No. 2780**.

On motion of Senator Harper, her name was added as prime sponsor of **Senate Bill No. 3197**.

On motion of Senator Ketron, his name was added as prime sponsor of **Senate Bill No. 63**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 63**.

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 3828**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bill No. 373**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 3528**.

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On motion of Senator Beavers, her name was removed as sponsor of **Senate Bill No. 508**.

On motion of Senator Ketron, his name was removed as sponsor of **Senate Bill No. 3120**.

**ENGROSSED BILLS**

March 24, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1790, 2977, 3189, 3191, 3362, 3397, 3408, 3586 and 3866; and Senate Joint Resolutions Nos. 871, 872, 873, 874 and 876; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 24, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 2863, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 930, for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 24, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 2493, 2502, 2863, 2974, 3026, 3031, 3295 and 3877.

**SIGNED**

March 24, 2010

The Speaker announced that he had signed the following: House Bills Nos. 2457, 2461, 2712, 2859, 3007, 3075 and 3202.

**SIGNED**

March 24, 2010

The Speaker announced that he had signed the following: House Joint Resolution No. 930.

**WEDNESDAY, MARCH 24, 2010 -- 72ND LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

March 24, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 800, 851, 852, 853, 854, 855, 856, 857, 858, 859, 861, 862, 863 and 864; with his approval.

STEVEN E. ELKINS,  
Counsel to the Governor.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, March 25, 2010, which motion prevailed.